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SOME REFLECTIONS ON THE WITHDRAWAL OF TREATIES THROUGH THE PRACTICE OF AFRICAN STATES

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Abstract: The present paper aims to investigate the African continent in relation to the subject of treaties and in particular to the withdrawal of international treaties. As a basis for analysis it is not so much the influence that these withdrawals have but how the distinctive and legal aspects that pose and respect international law and practice are understood and highlighted. As a second point of analysis are the measures and the legal and political tendencies of the countries in Africa that give rise to norms of customary international law that have a continental, regional character. These aspects through the continuous practice of the last decades from the African continent allow us to

reach conclusions regarding the reactions about the forms of political imperialism that had been used by states of the continent, that withdraw from colonial constraints and promote the consolidation of norms of general international law of a regional character, as continuous challenges and limits of the international law of the treaties.

Keywords: right of withdrawal; denunciation of an international treaty; African practice; international treaty law; Vienna Convention on the Law of Treaties; customary law; political colonialism; legal force of Western countries.

INTRODUCTION

The discipline, term of withdrawal from international treaties in international practice remains a topic of ongoing investigation as well as of legal interest at an international level (Morelli, 2022; De La Vega, Campbell Lee, 2022; Von Borzyskowski, Vabulas, 2023; Schmidt, 2024). International practice is heterogeneous and broad. Such a practice does

not pay attention to the continuous legal trends that are affirmed on the African continent given that withdrawal exercises methods and procedures that are distinguished in the prevailing international practice.

The recourse of African states to the withdrawal discipline has undergone a fragmentary history given that the coordination of the founding treaties and of the international organizations are various especially in the sector of bilateral agreements on military, economic and fiscal cooperation.

The objectives of withdrawal contribute and highlight the interests of African practice as well as place respect to international law and practice thus verifying continental trends and norms of customary international law that are applicable at continental and regional level.

International law and practice on withdrawal from treaties, from a comparative perspective, constitutes, respects and verifies the emerging trends of the African continent. The legal discipline and application in practice highlights the *ad recedendum* clauses that are contained in African agreements and in the internal legal systems of states, as an attempt of reconstruction in the matter of withdrawal.

The practical application of the discipline of withdrawal from international treaties by African states highlights the methods and procedures, that are applied in the African continent, which can be framed in international law and practice.

The results achieved verify distinctive elements such as trends, that affirm, that the African continent gives rise to customary norms of continental and/or regional character, which find application in derogation from general international law as it is codified in the Vienna Convention of 1969 on the Law of Treaties.

THE DISCIPLINE OF WITHDRAWAL FROM TREATIES IN THE INTERNATIONAL CONTEXT

Withdrawal is a unilateral act that considers part of a treaty, which entails the extinction of the treaty for the withdrawing party (Briggs, 1974; Aust, 2006). Withdrawal as denunciation maintains two distinct cases. Withdrawal uses and refers to multilateral treaties as a manifestation of the will of the state that rescinds the conventional obligations without entailing the extinction of the treaty on the part of

the contracting parties.

Denunciation seems to be consistent with bilateral treaties and the will of the denouncing state that determines the total extinction of the entire treaty (Capotorti, 1971; Helfer, 2020). This distinction is not confirmed in practice since the terms withdrawal and denunciation are used interchangeably. According to the VCLT of 1969 the two concepts are indistinctly referred to multilateral treaties. Art. 70, par. 2 of the VCLT states that a:

> "(...) state denounces or withdraws from a multilateral treaty, (...) paragraph l applies in the relations between that state and each of the other parties to the treaty from the date when such denunciation or withdrawal (...)",

takes place (Hollis, 2020). The term denunciation refers to and contributes to effects that are extinguished by unilateral acts, which are used in a distinct way.

EVOLUTION OF THE PHENOMENON OF WITHDRAWAL IN CONTEMPORARY INTERNATIONAL LAW

The term of withdrawal in recent years presents new evolutionary forms as well as a new investigation in international relations. The old world order was based on

objectives drawn up by the Charter of the UN, as a representation of a main expression. International agreements did not contain withdrawal clauses highlighting the nature of such provisions (McNair, 1961; Bilder, 1982).

The termination of a treaty does not constitute *stricto sensu* an act of disengagement, functional to the promotion of principles and values, that are common and affirmed after the Second World War. It is possible to recall in this spirit the withdrawals in the agreements concluded by the League of Nations through the agreement of most-favoured nation treatment for areas of Western Germany under military occupation as well as the disuse of the occupation of German territories by Western countries in the same era.

The withdrawal thus expresses an oppositional reaction to constraints of a conventional nature that consider national interests. As an exclusive discipline together with *ad hoc* clauses justify the need to promote and affirm a legal system based on values of voluntary security. In such a way, the withdrawal constitutes an important manifestation.

The withdrawal usefully outlines and affirms the national

interests related to the sovereignty of a state in opposition to an international governance system. Within this practice we note the withdrawal of African countries from treaties at the time of colonialism, for example those with the United States in 1983, with Israel and the United Kingdom in 1984 from UNESCO, the withdrawal from the United States in 1975, from Vietnam in 1983 and from Poland in 1984 from ILO.

The traditional function of disengagement for states was linked to the exercise of withdrawal (Gänzle, Uwe Wunderlich, Hofelich, 2024) within the space of sovereignty in the post-war period. States denounce international treaties, which they perceive as an obstacle to the realization of national interests, thus contesting policies and measures adopted by the international organization of their agreement.

Within the spirit of national interests, we recently recall the withdrawal of the President of the United States, Donald Trump (during his first administration 2016-2020) from the Paris Agreement on climate as well as from the optional protocol of the Vienna Convention on diplomatic relations. We recall in this regard, also, the withdrawal of

North Korea from the nuclear non-proliferation treaty, that was notified on 10 January 2003, for the development of Pyongyang's nuclear program. In the European context, we note the Brexit case which is part of a substantial claim of the sovereignty of the United Kingdom.[1]

The reasons are similar and determine the Charter of the Organization of American States by Nicaragua which did not motivate the relative withdrawal concerning the

> "(...) actions of interference of the Organization of American States in the Internal Affairs of the State of Nicaragua (...)".[2]

In other situations, withdrawal has been exercised against agreements establishing international courts, such as the International Criminal Court[3] and the Inter-American Court

[1]Theresa May stated in her notification of withdrawal that: "(...) referendum was a vote to restore, as we see it, our national self-determination (...)". See also the Letter from the British Prime Minister, Theresa May of 29 March 2017 to the President of the European Council Donald Tunsk.

[2]See also: Ministerio de relaciones exteriores, Managua 18th November, 2021 (mre/dm/00284/11/21).

[3]South Africa affirmed: Declaratory statement by the Republic of South Africa on the decision to withdraw from the Rome Statute of the International Criminal Court, 25 October 2016, Reference:

of Human Rights. These are important Courts, in this regard, given the positions we saw from Venezuela in 2012, which stated:

"(...) the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights (...) have become a political weapon aimed at undermining (...) the principle of respect for state sovereignty (...)".[4]

These are positions that are of a supranational nature connected with the withdrawal of declarations, which accept the jurisdiction of the International Court of Justice (Liakopoulos, 2024b)[5] as well as of the African Court on Human and Peoples' Rights.[6]

These are not cases of withdrawal *stricto sensu* since the extinctive effects do not affect the treaties establishing

C.N.862.2016.TREATIES- XVIII.

[4]Minister of Popular Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Caracas, 6 September 2012.

[5]Statement by H.E. Hon. Uhuru Kenyatta on the International Court of Justice Judgement in Maritime Delimitation Case: https://www.kenyaembassyaddis.org/2021/10/statement-by-h-e-hon-uhuru-kenyatta-on-the-international-court-of-justice-judgement-in-maritime-delimitation-case/ . Accessed on 10.06.2025.

[6]République du Bénin, Ministères de l'Affaires étrangères et de la coopération du Benin, n. 216/MAEC/AM/SP-C, Cotonou, 24 March 2020.

these courts but only for unilateral declarations, which accept their own jurisdiction. The withdrawal has legal relevance, which is not perfected (Von Borzyskowski, Vabulas, 2023).

The states as a diplomatic force *in extremis* threaten to denounce an international treaty to strengthen a position of a cooperation mechanism, that established the agreement, stimulating therefore its revision. This refers to the threats especially from the United States to withdraw from the Atlantic alliance, stimulating, in such a way, a rigid implementation of military spending obligations for other members of the organization.[7]

Within this context, the withdrawal that South Africa and Gambia are threatening to use from the statute of the International Criminal Court (ICC) is framed, with the aim of making the activity of the Court impartial.

The term of withdrawal has not succeeded in asserting its

[7]See the next declaration in merit: "(...) NATO Heads of State and Government agreed to commit 2% of their national Gross Domestic Product (GDP) to defence spending, to help ensure the Alliance's continued military readiness (...) response to Russia's illegal annexation of Crimea, and amid broader instability in the Middle East (...)".

power, however it has manifested the dissent of forms of international cooperation that were not welcome but have affirmed the voluntary nature of international treaties, thus implying how an agreement is lapsed.

The treaty is not concluded as s*ub specie aeternitatis*, but as a contractual act according to the will of the parties, that through the withdrawal and exogenous circumstances resorts to conditions that determine its extinction.

The condition of the provisional nature of the international agreements finds an expressive basis in the customary clause *rebus sic stantibus*, that expresses the precarious nature of a legal transaction. In other words, international practice has allowed since the seventies and has reaffirmed the consensual nature of an international agreement, which finds its legal foundation in the voluntary approach that inspired the general rules of the VCLT, that is, rules dedicated to withdrawal.[8]

AD HOC CLAUSES AND WITHDRAWAL FROM TREATIES. THE LEGAL BASES

When we talk of specific withdrawal clauses, Art. 42, par. 2

[8]See for example: artt. 19-22, 30, 34-38 VCLT.

VCLT (Hollis, 2020) immediately comes to mind, which provides for a generic right of withdrawal, which establishes precise procedural limits for the ability of states to unilaterally terminate the agreement. The right of withdrawal *sic et simpliciter* in international agreements and in the field of human rights is negotiable within the scope of the UN. It is affirmed, in this regard, that:

> "(...) a party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General (...)".[9]

These are withdrawal provisions that are similar to those of founding treaties and of international organizations, establishing in an exclusive manner the obligation of a written notification to the depositary of the agreement, establishing one year from the time of the relevant

[9]Convention on the Rights of Persons with Disabilities, 13 December 2006; International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; Convention on the Rights of the Child, 20 November 1989.

notification for the distinctive effects of one's withdrawal.[10] *Ad recedendum* clauses provide for stringent limitations. Conventional rules, also, prevent withdrawal before a minimum period of the agreement in force has elapsed. The treaty establishing the Atlantic Alliance and the conventions of the ILO,[11] the Paris Agreement on climate[12] and the Convention on Genocide[13] are some examples of withdrawal limitations.

Withdrawal clauses that provide for limitations of a limited nature allow the declaration for withdrawal that produces legal effects, exclusively verified for specific events. Such clauses are part of the four Geneva Conventions of 1949

[10]Articles of Agreement of the International Monetary Fund, che all'art. XXVI, par. 1, affirmed that: "(...) member may withdraw from the Fund at any time by transmitting a notice in writing to the Fund (...) withdrawal shall become effective on the date such notice is received (...)".

[11]Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); Worst Forms of Child Labour Convention, 1999 (No. 182); Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

[12]Paris Agreement, 12 December 2015, art. 28.

[13]Convention on the Prevention and Punishment of Genocide, 9 December 1948, art. XIV.

that prevent the relative denunciation to produce other legal effects when the denouncing state is involved in any way with an armed conflict.[14]

As regards disarmament agreements, the relevant withdrawal clauses include the motivating reasons, as a requirement, similar to Art. 65 VCLT. The withdrawal declaration in most disarmament treaties:

> "(...) includes a full explanation of the reasons motivating withdrawal (...)".[15]

Such a motivation is included in other non-proliferation treaties such as the UN Arms Trade Treaty and the UN Convention on the Law of the Sea.[16]

Withdrawal clauses contain treaties with limitations that restrict the possibility for a state to denounce its

[14]Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, art. 63.

[15]Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects As Amended on 21 December 2001, art 9; Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997, art. 20; Convention on Cluster Munitions, 30 May 2008, art. 20.

[16]United Nations Convention on the Law of Sea, 10 December 1982, art. 317.

agreement. International practice shows that states comply with the conventional provisions by respecting the notice periods, as obligations of a procedural nature.

These considerations have the value of motivating obligations that are established in the withdrawal clauses. A motivating obligation applies indiscriminately declarations for withdrawal, according to Art. 65 VCLT (Hollis, 2020), which complies with the prescription provided for in the ad hoc clauses of its treaty (Winters, 2005; Editorial, 2019).

The motivation is applied in the declaration of withdrawal, for example by Lithuania from the Convention against Cluster Munitions[17] and the related withdrawal of Russia, which was executed on 9 June 2023, from the Treaty on Conventional Armed Forces in Europe dating back to 1990 due to a placement by NATO of conventional armaments on its territory, of new Member States such as Finland, which are perceived as a threat to the Kremlin.[18]

[17]Lithuania: notification of withdrawal, 6 September 2024, reference: c.n.347.2024.treaties-xxvi.6.

[18]https://treatydatabase.overheid.nl/en/Treaty/Details/004285_b#Russian%20Federation. Accessed on 10.06.2025.

WITHDRAWAL CLAUSES AND RELATED TREATIES

Art. 56 VCLT establishes that the withdrawal of an agreement does not provide for precise clauses. Generally it does not allow ad hoc rules since it has:

> "(...) established that the parties intended to admit the possibility of denunciation or withdrawal; or (b) a right of denunciation or withdrawal may be implied by the nature of the treaty (...)" (Hollis, 2020).

As an exception, states are allowed to denounce an agreement that is devoid of *ad recedendum* clauses, thus reconstructing a common will for the parties. It occurs that the contracting states agree on the possibility of denouncing the treaty, in which they have provided for a clause in precise terms and methods of exercising the withdrawal.

Another exception establishes that the right of withdrawal in the absence of express provisions is exercised exclusively and with reference to the various types of treaties that are presented to be denounced.

The VCLT does not specify the categories of such treaties. According to the report of the Special Rapporteur,

Humphrey Waldock, treaties on commercial, scientific, cultural matters that provide for military alliances, that establish arbitration and conciliation mechanisms by international organizations are subject to withdrawal (Liakopoulos, 2020a).[19]

According to Art. 56 VCLT (Hollis, 2020) the withdrawal and the related notification complies with the terms of notice according to which the state intends to withdraw and communicate its intentions to the contracting parties with a relative notice of at least twelve months. The withdrawal of international treaties does not provide for *ad hoc* clauses but subordinates the procedural nature that is provided for by Art. 65 VCLT (Peat, 2019). The notification from the withdrawal formalizes and indicates:

> "(...) the measures proposed to be taken with respect to the treaty and the reasons therefor (...)".

International practice shows for states that international treaties do not provide for precise clauses but only partial ones that are in agreement with the discipline provided for

[19]Humphrey Waldock, Second report on the law of treaties, Special Rapporteur, Document A/CN.4/156 and Add. 1-3, Yearbook of the International Law Commission, 1963, vol. II, p. 64.

by the convention. Thus the withdrawal from a treaty, that is devoid of *ad hoc* provisions, tends to apply the notification of withdrawal immediately without respecting the notice period of twelve months, that according to the VCLT progressively develops international law[20].

The lack of relative respect for the motivating obligations, which are provided for by art. 65, exceeds important cases such as the withdrawal of Indonesia from the United Nations and of North Korea in relation to the Covenant on Civil and Political Rights and the related reasons for the withdrawal of treaties that lack specific clauses. In such cases, states simply communicate the withdrawal from the agreement without prior justification[21].

[20]See the Optional Protocol to the Vienna Convention on Diplomatic Relations, Concerning the Compulsory Settlement of Disputes del 1961, notified on 12 October 2018 (Reference: C.N.487.2018.TREATIES-III.5); the Republic of Korea, its declaration to the Covenant on Civil and Political Rights, notified on 25 August 1997 (Reference: C.N.467.1997.TREATIES) as well as Indonesia by the United Nations, Letter dated 20 January 1965 from the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia to the Secretary-General, S/6157.

[21]Withdraw of Colombia from Optional Protocol of Signature concerning the Compulsory Settlement of Disputes, del 1958, notifed on 15 September 2017 (Reference: C.N.521.2017.TREATIES- XXI.5).

The relative practice shows that the absence of a rule of withdrawal for states is linked to a broad right of withdrawal for the treaties establishing international organizations and for the protection of human rights (Feinberg, 1963). In this case, we recall the withdrawal of Indonesia from the United Nations that did not consider as effective its withdrawal, through a declaration and not through the procedure based on Art. 4 of the UN Charter.
In the same spirit, we refer to the withdrawals of the fifties in the case of Hungary, Czechoslovakia and Poland from UNESCO. This discipline quickly reconstructs an economy to the contribution of a term of comparison that respects the African practice.

WHAT IS THE TREND IN THE WITHDRAWAL SECTOR IN THE AFRICAN CONVENTIONAL LAW?

Many agreements concluded within the framework of the main African organizations, according to which the constitutional provisions of the states of the continent regulate the withdrawal. The identification of legal elements, which indicate the measure to a continental normative practice in the theme of withdrawal to the

African states, are in accordance with international practice.

The withdrawal clauses, which are part of the African treaties, require the obligation of written notification[22] as well as the obligation to give a period for the notice that varies from 3[23] to 24 months.[24] The withdrawal clauses also provide limits *ratione temporis* that prohibit the states parties to denounce the past treaty for its minimum period that is in existence. In many bilateral treaties regarding the protection of investments[25] and in some agreements

[22]See in particular the bilateral agreement on customs cooperation between South Africa and Malawi, adopted in Pretoria on 27 May 2021. The treaties establishing the African Union, ECOWAS and the Southern African Development Community.

[23]Memorandum of Understanding between the Southern African Development Community and the Association of Southern African Chambers of Commerce which was adopted in Windhoek, 7 August 2000, as well as the related bilateral agreement on customs cooperation between Malawi and South Africa which was adopted in Pretoria on 27 May 2021.

[24]A 24-month notice period is required which has been provided for in Article 27, paragraph 2 of the Agreement Establishing the African Continental Free Trade Area which was adopted in Kigali on 21 March 2018.

[25]Agreement between the Republic of the Congo and the Republic of

adopted within the framework of continental and regional organizations in the African area,[26] such time limits are adopted.

In the African continent there is a lack of withdrawal provisions that oblige states to justify their withdrawal,[27] limiting withdrawal to the occurrence of extraordinary events as provided for in the ECOWAS Convention on Small

Angola on the Reciprocal Promotion and Protection of Investments, adopted in Luanda on 9 September 2010, art. 11; Agreement for the Promotion and Protection of Investments between the Arab Republic of Egypt and the Federal Democratic Republic of Ethiopia, art. 13, adopted in Cairo on 27 July 2006; Agreement between the Government of the People's Democratic Republic of Algeria and the Government of the Republic of Mali on the Reciprocal Promotion and Protection of Investments, adopted in Bamako on 11 July 1996 and especially see: art. 11.

[26]African Convention on the Conservation of Nature and Natural Resources, adopted in Maputo on 11 July 2003, art. XL; ECOWAS Energy Protocol, adopted in Dakar on 31 January 2003; SADC Agreement on the Establishment of the Zambezi Watercourse Commission, adopted in Kasane on 13 July 2004.

[27]African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Kampala, 23 October 2009, art. XIX, par. 1. The related obligation to be motivated was provided for by the African Charter on Maritime Transport which was adopted in Kampala on 26 July 2010 through art. 52.

Arms and Light Weapons.[28] Withdrawal clauses are provided for in treaties that are concluded in African states and constitute international regulatory practice presenting their own discipline in a peculiar way.

In an atypical way, we recall Art. 15 of the SADC Protocol on Mining of 1997, which established that the state that withdraws from the agreement becomes a party again through the consent of two thirds of the signatory states.

Withdrawal clauses are recurrent for treaties concluded in Southern Africa, which prevent the states parties from extinguishing the obligations deriving from specific rules of the treaty, thus imposing reserved obligations in the military sector and not only.[29]

The withdrawal provisions contain African treaties, thus

[28]Onvention of ECOWAS on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, adopted in Abuja on 14 June 2006, art. 32, lett. C). see also: Treaty on the Non-Proliferation of Nuclear Weapons adopted on 1st July 1968, art. X, par. 1. see also: The African Nuclear Weapon Free Zone Treaty adopted on 11 April 1996, art. 20.

[29]Article 14 of the SADC Mutual Defence Pact adopted in 2003, Article 19 of the SADC Taxation Agreement, 2012 and the Memorandum of Understanding on the Establishment of a Southern African Development Community Standby Brigades, 2007.

presenting aspects that are legally interested in a normative practice, that has not been, therefore, widespread.

The provisions that provide for the right to the state of withdrawal revoke the withdrawal before it becomes effective. Such provisions of bilateral and multilateral treaties find space and are stipulated between African countries[30] as well as within the scope of organizations of the continent.[31]

[30]Agreement between the Federal Republic of Nigeria and the Republic of Niger Concerning the Equitable Sharing in the Development, Conservation and Use of Their Common Water Resources, done at Maiduguri, 18 July 1990; Agreement Concerning the River Niger Commission and the Navigation and Transport on the River Niger, done at Niamey, on 25 November 1964.

[31]OAU Convention Governing Specific Aspects on Refugee Problems in Africa, done in Addis Ababa, 10 September 1969; AU Convention of the African Energy Commission, done at Lusaka, 11 July 2001; Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, done in Addis Ababa, 18 February 2024; ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, done at Lome, 10 December 1999; ECOWAS, Convention relating to the Inter-State Road Transit of Goods, done at Cotonou, 29 May 1982; ECOWAS Protocol on Education and Training, 1

Revoking the treaties establishing the main African organizations is based on Art. 31 of the Act establishing the African Union as well as on Art. 91 of the founding treaty of ECOWAS. In the same spirit, Art. 34, par. 2, of the Treaty of the Southern African Development Community, as well as Art. 91 of the Act establishing the Economic Community of Central African States and also Art. 145 of the Treaty of the East African Community, can be noted.[32]

These are clauses that precisely represent the African treaties. More precisely, they appear relevant in codifying the sovereignty of African states. The right of revocation of withdrawal as provided by Art. 68 VCLT and the related declaration affirm, in this regard, that a treaty is "revoked at any time before it takes effect".

Art. 68 VCLT and the commentary of the international law commission highlight the procedural nature of arts. 65-68,

January 2003.

[32]Art. 91 of the treaty of ECOWAS which is affirmed that: "(...) Member State wishing to withdraw from the Community shall give to the Executive Secretary one year's notice in writing who shall inform Member States thereof. At the expiration of this period, if such notice is not withdrawn, such a state shall cease to be a member of the Community (...)".

which are part of a progressive development.[33]The Commission has specified, in this regard, that:

> "(...) governments had questioned the desirability of stating the rule in a form which admitted a complete liberty to revoke a notice of denunciation, termination, withdrawal or suspension prior to the moment of its taking effect (...)" (Hollis, 2020).

Doubts place limits on unilateral law, which revokes the withdrawal by referring to the founding agreements and international organizations. After Brexit (Alvin, 2017; Ostendorf, 2017; Naldi, Magliveras, 2021)[34] some British courts have taken a negative position on the possibility that the United Kingdom could unilaterally revoke the withdrawal from the Union.[35]

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[33]International Law Commission, Draft Articles on the Law of Treaties with commentaries, Report 1966, pag. 263, par. 6.

[34]EU Parliament Study, The (ir-)revocability of the withdrawal notification under Article 50 TEU, March 2018.

[35]See for example: High Court of England and Wales, in R. (on the application of Miller) v. Secretary of State for Exiting the European Union [2016] EWHC 2768 (Admin), parr. 10 and 11: https://www.supremecourt.uk/cases/uksc-2016-0196. Accessed on 10.06.2025; Supreme Court, in R. (on the application of Miller) v. Secretary of State for Exiting the European Union [2017] EWHC 2768 (Admin), 24

The Council of the Union itself has taken a negative position on an absolute right that could revoke the denunciation, as demonstrated in the Wightman case and the related clause, according to which art. 50 could have an interpretation according to:

> "the revocation, but only if the European Council consents to it unanimously (...)" (Liakopoulos, 2024a).[36]

These are doubts that have a customary nature. The right of withdrawal allows the legal value for the withdrawal clauses that are provided for in African treaties. These are clauses that regulate international practice by showing how the objectives of progressive development provided for in Art. 68 VCLT are contested at an international level, reaching a sort of solid practice in Africa, which expressly

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January 2017, parr. 26; High Court of Northern Ireland, in Re McCord [2016] NIQB 85; [2017] 2 C.M.L.R. 7, par. 23: https://www.judiciaryni.uk/judicial-decisions/2016-niqb-85. Accessed on 10.06.2025; In favour of a withdraw attitude see: CJEU, 10 December 2018, Andy Wightman and others v. Secretary of State for Exiting the European Union, C-621/18, ECLI:EU:C:2018:978, published in the electronic Reports of the cases.

[36]CJEU, 10 December 2018, Andy Wightman and others v. Secretary of State for Exiting the European Union, C-621/18, op. cit.

recognizes the states of the continent, thus making the right to revoke the withdrawal effective.[37] As a result of this, the clauses allow the unilateral revocation of the withdrawal without represent in a peculiar way regulations that are part of African treaties.

Art. 145 of the treaty establishing the East African Community (EAC) allows the withdrawal exclusively to the parliamentary body of the withdrawing state, that adopts the qualified majority of two thirds of those entitled to vote. The rule for national parliaments and the relative withdrawal from the organization represents a series of far-reaching reflections in the attribution of their own competence to withdraw.

Art. 145 of the Treaty establishing the EAC is the expression of an African normative trend that moves in the opposite direction from international practice. The African continent detects a constant practice within the theme of attribution of a competence to withdraw (Woolaver, 2019).

The power of withdrawal is governed by the internal legal systems of its states and has a characteristic form that

[37]See the Final communique, Sixty-Sixth Ordinary Session of the Authority of Heads of State and Government, 15th December 2024, Abuja, par. 43.

differs from state to state. The right of withdrawal exclusively attributes an executive power[38] to the Head of State[39] and in some cases to the legislative body.[40] The positions and circumstances of the legal system distinguish types of treaties that are denounced by the government by requesting parliamentary approval.

In the United States, the silence of the legal system regarding the competence to withdraw allows the affirmation of a political practice, that is confirmed through the relative jurisprudence,[41] which recognizes the President's right to carry forward the denunciation of international treaties (Bradley, Goldsmith, 2018).

The right of withdrawal in the Brexit case has highlighted the right of denunciation by one's own government except in cases that involve a relative impact for the rights of

[38]Constitution of the People's Republic of China (1982, rev. 2004), art. 81; Constitution of Guatemala (1985, rev. 1993), art. 183.

[39]Constitution of Norway, (1814, revised 2016), art. 26.

[40]Constitution of Argentina, art. 75, par. 24.

[41]United States Court of Appeals (Districts of Columbia Circuit), Goldwater v. Carter, 199 U.S.App.D.C. 115,617 F.2d 697 (1979): https://case-law.vlex.com/vid/goldwater-v-carter-no-884910265. Accessed on 10.06.2025.

obligations on the country's own constitutional order (Liakopoulos, 2020b).

International practice privileges and attributes the competence to withdraw to the Head of State and the executive body. This is the procedure that followed the decision of the Supreme Court of the Philippines regarding the withdrawal of the country from the Rome Statute. The Manila Court rejected the relative appeal and annulled the withdrawal of a prior authorization by the parliament.[42] The power of withdrawal as regulated by the internal legal system attributes its power to the legislative body.

In the African continent the power of withdrawal is regulated in different way. Particularly, in the case of Angola, it is noted that:

> "(...) the National Assembly shall be responsible for (...) approving withdrawal from treaties, conventions, agreements and other international instruments (...)".[43]

The Constitution of the Central African Republic stated in this regard that:

> "(...) revocation may only intervene after the

[42]Supreme Court, G.R. No. 238875, Manila, 16 March 2021.

[43]Constitution of Angola (2010), art. 161, lett. L).

authorization of the Parliament (...)".[44]

The Constitutions of Cape Verde, Mozambique, Malawi and Namibia followed the same line of thought. The Constitutional Charters of Namibia and Malawi regulate the withdrawal of treaties as pre-existing from the force of the constitution attributing the right to withdraw to the relevant parliamentary body.

The power of withdrawal from a legislative body occurs through the silence of its own constitution. The denunciation from the ICC by Burundi was notified after the adoption of a parliamentary decree as well as by the constitution of 2018 on the matter.[45]

The jurisprudential practice moves through the attribution of the power of withdrawal by the legislative authority. South Africa's withdrawal from the Statute of Rome that was struck down by the country's Constitutional Court lacked prior authorization from parliament.[46]

[44]Central African Republic Constitution (2016), art. 91, par. 2.

[45]Assembly of the African Union, Withdrawal Strategy, Twenty-Eighth Ordinary Session 30-31 January 2017 Addis Ababa, Decision on the International Criminal Court, DOC. EX.CL/1006(XXX).

[46]High Court of South Africa, Democratic Alliance Applicant and Minister of International Relations and Cooperation, Case No: 83145/2016, 22

The Pretoria Court applied the well-known theory of the *acte contraire*, which stated that an international treaty requires authorization from parliament as a resolution of the body, that makes the objectives of the withdrawal necessary. This is a theory that is also applied by the Supreme Court of Ghana as noted in the John Akparibo Ndebugre v. Attorney General, Minister of Justice case despite the fact that it was an agreement that was concluded between the state and an oil extraction company.[47]

The court ruled that the agreement ratified by the parliament was extinguished only by a resolution of the same body.

Overall, in Africa the competence of withdrawal has as its object a regulatory regulation, *ad hoc* jurisprudence as preferred and attributed to the legislative body, which respects international practice in reference to the privilege

February 2017: https://www.saflii.org/za/cases/ZAGPPHC/2017/53.html . Accessed on 10.06.2025.

[47]Supreme Court of Ghana, John Akparibo Ndebugre v. Attorney General, Minister of Justice (ACCRA A.D. 2016 - No. J1/5/2013), 20 April 2016: https://ghalii.org/akn/gh/judgment/ghasc/2016/12/eng@2016-04-20. Accessed on 10.06.2025.

of the Head of State and the executive organs.
The legal practice in Africa regarding withdrawal allows and proposes positions in relation to the trends relevant to withdrawal, as attribution of the competence that recedes to the parliamentary bodies of the state. The legal practice seems to have as its objectives the achievement, that favors in a continuous way the international commitments of the African states.
The right of revocation of the withdrawal appears in fact through the extinctive declarations and the *ipso facto* restoration of the conventional obligations. The attribution of the power of denunciation for the parliamentary bodies constitutes and stiffens the procedure of withdrawal for the exercise of a power for the executive bodies of the African countries, which characterize an instability in time.
The discipline of withdrawal in Africa constitutes a legal reaction that is oriented towards instability, thus favoring in a continuous way international commitments for the African states given the general political fragility that distinguishes them during the years.

EXERCISING WITHDRAWAL FROM A TREATY AS A

RIGHT OF POLITICAL INFLUENCE IN THE AFRICAN CONTINENT

Some complaints regarding the issue under examination are made by African states. The extinctive declarations concerned agreements that were constitutive for international tribunals, such as the withdrawals of South Africa, Burundi and Gambia from the ICC Statute in 2016.[48]

The withdrawal *stricto sensu* as a perspective that mentions the decisions of the Ivory Coast,[49] Benin,[50] Rwanda[51] and Tanzania[52] for the withdrawal of declarations, that accepted the jurisdiction of the African Court on Human and Peoples' Rights, is a reflection of the effective capacity of the court

[48]See in argument: Reference: C.N.805.2016.TREATIES-XVIII.

[49]Ambassade de Cote d'Ivoire en Ethiopie, AA/551/04/20/ND-AnN, 29 April 2020.

[50]Ministères de l'Affaires étrangères et de la coopération du Benin, n. 216/MAEC/AM/SP-C, 24 March 2020.

[51]Republic of Rwanda, Ministry of foreign affairs and cooperation, Withdrawal for review of the Republic of Rwanda from the declaration made under Article 34 (6) of the Protocol to the African Charter on Human and People Rights on the establishment of an African Court on Human and People Rights, 24 February 2016.

[52]The Embassy of the United Republic of Tanzania, Ref. No. CHAD 133/738/01/2 of 21 November 2019.

to play its role for the promotion and protection of human rights in the continent.

Kenya has already withdrawn its declaration for the competence of the ICJ since 2021.[53] It was thus added to the African states that withdraw international jurisdiction as a limit to national sovereignty.[54]

The withdrawal in the African context is mostly connected with treaties establishing international organizations. In 2021, it is noted that Uganda chose to leave the International Coffee Organization after a complaint regarding coffee brought to the African continent through unfavorable treatment for its country.[55]

On 28 January 2024, the related cooperation for security matters with the G5Sahel also ended (Cowell, 2024) since three West African countries such as Mali, Niger and Burkina Faso announced their withdrawal, as a response to the sanctions that are adopted by the Organization against

[53]Kenya: withdrawal of the declaration under article 36 (2) of the Statute, Reference: C.N.281.2021.TREATIES-I.4.

[54]Assembly of the African Union, Decision on the International Criminal Court, Doc. EX.CL/1006(XXX), 30-31 January 2017.

[55]International Coffee Organization, Withdrawal of Uganda from the International Coffee Agreement 2007, 22 February 2022.

them.[56]

In African practice there are also declarations of withdrawal for the termination of bilateral treaties that protect investments. Countries such as Niger, Tanzania, Burkina Faso, Mali, Kenya, South Africa have terminated and/or negotiated investment protection agreements that are concluded with the Netherlands, Germany, Belgium, Switzerland, France and Spain (Lang, Gillfillan, 2016).

In other circumstances the bilateral agreements concerned military cooperation. In 2023 several states of West Africa have denounced the defense agreements that are stipulated with some Western states, such as France[57] and the United States.[58]

The same countries have also terminated some treaties relating to double taxation, that are considered

[56]Joint communique by Burkina Faso, the Republic of Mali and the Republic of Niger, 28 January 2024.

[57]Ministères des affairse étrangères, de la cooperation régional et des Burkinabè de l'Extérieur du Burkina Faso, n. 2023-090 MAECRBE/CAB of 28 February 2023.

[58]Joint Statement from the U.S. Department of Defense and the Department of National Defense of the Republic of Niger of 5 August 2023.

disadvantageous for national interests[59].

In sum, the African practice in the matter of withdrawal has to do with points of legal interest, that is, with reasons that lead the states of the continent to extinguish the conventional obligations, as well as the modalities and procedures that the African countries exercise the relative withdrawal, i.e. an objective that highlights in a distinct way the recourse to the discipline of withdrawal by the African countries.

WITHDRAWAL IN THE AFRICAN CONTEXT AS A FORM OF LEGAL EFFORT UNDER POLITICAL COVER

Withdrawal in African countries is based on legal and especially political reasons. African states complain about legal relationships, standards of conduct of persecution, which place the countries of the continent in a position of disadvantage respecting other parties to the agreement.

The withdrawal of South Africa from the ICC is an example of such a type. In particular, South Africa complains of

[59]Communique conjoint n° 001 de la République du Mali et de la République du Niger: Les deux pays dénoncent deux conventions désavantageuses en matière fiscale avec la France of 5 December 2023.

> "(...) unfairness in the practice of the ICC that do not only emanate from the Court's relationship with the Security Council, but also by the perceived focus of the ICC on African states (...)".[60]

The unfair treatment of African states has also been highlighted in the case of Gambia with its withdrawal from the Rome Statute. In that case "the persecution of Africans and especially of their leaders" is noted[61]. The same accusations are leveled at the ICJ by the President of Kenya, Uhuru Kenyatta in 2021 who withdrew the declaration of acceptance of the jurisdiction of the Court stating that:

> "(...) emerged of some supposedly international organizations, being deployed as political tools against African countries. Sadly, this misfeasance has infected the ICJ (...)"[62].

International courts and their legal relationships are based

[60]Declaratory statement by the Republic of South Africa, Reference: C.N.862.2016.TREATIES-XVIII.10, op. cit., p. 2.

[61]Assembly of the African Union, Withdrawal Strategy, op. cit., par. 25, parr. 2 and 3: "(...) withdrawal strategy (...) perception of a double standard against African States (...)".

[62]Embassy of The Republic of Kenya, Statement By H.E. Hon. Uhuru Kenyatta on the International Court Of Justice Judgement In Maritime Delimitation Case.

on bilateral agreements. The complaints of Niger and Mali regarding the double taxation treaties concluded with France focus on "the unbalanced character of these Conventions".[63]

The spokesperson of the Nigerien military junta referred to its military cooperation with the United States defining as profoundly unfair the prospect of Burkina Faso and Niger to withdraw from G5Sahel:

"(...) partenariat dévoyé et infantilisant qui nie le droit à la souveraineté de nos peuples (...)".[64]

The recourse of African states to withdrawal rescinds and/or redefines the conventional constraints, that are perceived and place on the countries of the continent a subordinate condition, that respects parts of the treaty.

The withdrawal of international treaties is conceived, as an instrument of social emancipation, which allows African states to affirm their sovereignty before the international community, thus organizing relations with other states

[63]Communique conjoint n°001 de la République du Mali et de la République du Niger, op. cit., p. 1.

[64]Communique conjoint n°001 de la République du Burkina Faso et de la République du Niger, op. cit., p. 1.

within a perspective of equity and justice.

The balance and conventional relations towards Western countries are considered as an effort, that overcomes political imperialism, that is, tolerated by African states. The withdrawals of African countries from the ICC have highlighted the:

> "(...) ignoring crimes committed by the West (...) many western countries, at least 30, that have committed heinous war crimes against independent sovereign states (...) not a single Western criminal has been indicted (...)"[65].

Similar accusations are also noted within the framework of the ECOWAS, which has highlighted through the organization:

> "(...) influence of foreign powers, violating its fundamental principles has become a threat for its member states and its people who were rather expecting joyfulness thereof (...)".[66]

In the same way, reference is made to an infantile and also deviant partnership given the withdrawal from Niger,

[65]Assembly of the African Union, Withdrawal Strategy, op. cit., par. 25.

[66]Joint communique by Burkina Faso, the Republic of Mali and the Republic of Niger, op. cit., p. 1.

Burkina Faso and Niger from the G5Sahel[67] as well as "*l'attitude unilatérale du partenaire français*", which is part of the denunciation of Mali from the Cooperation Agreement with France.[68] It is noted, in this regard, a "*hostile persistante de la France contre nos Etats*".

The withdrawal of Niger and Mali are, also, based on the related agreements, which concerned double taxation.[69] Finally, the authorities of Chad denounced on 28 November 2024 the related military assistance agreement with France declaring that:

> "(...) After 66 years since the proclamation of the Republic of Chad (...) its full and complete sovereignty (...)".[70]

The withdrawal fairly redefines conventional relations, as criticisms of the West and former colonial powers. The

[67]Communique conjoint n°001 de la République du Burkina Faso et de la République du Niger, op. cit.

[68]Communiqué n. 029 du Gouvernement de la transition-Annexe à la lettre datée du 2 mai 2022 adressée à la Présidente du Conseil de sécurité par le Représentant permanent du Mali auprès de l'Organisation des Nations Unies.

[69]Communique conjoint n°001 de la République du Mali et de la République du Niger, op. cit.

[70]Ministère des affaires étrangères du Tchad, Communiqué de presse, N'Djaména, 28 November 2024.

withdrawal for African countries redefines conventional balances within a perspective of greater equity, that severs legal and political ties, that constitute colonialism, thus preventing the self-determination of peoples for the states of the continent. This is a dimension of the withdrawal that extinguishes colonial ties, that are evident in West African countries.

Within this legal reasoning for these states, the withdrawal of international treaties is represented, as a useful tool, that prevents external interference within the domain reserved for the state by former colonial powers by promoting "*expectations, concerns and aspirations of populations*".[71]

In the same framework it has also been stated that "*préserver les intérêts supérieurs des peuples*".[72]

Lastly, in West Africa, the withdrawal is presented as an act of colonialism process through countries, that react in political and legal forms to the relations with the former colonial powers, thus promoting the goal of self-

[71]Joint communique by Burkina Faso, the Republic of Mali and the Republic of Niger, op. cit.

[72]Communique conjoint n°001 de la République du Mali et de la République du Niger, op. cit.

determination of African states.

COLLECTIVE WITHDRAWAL AND DISTINCTIVE ELEMENTS IN AFRICAN PRACTICE

The same political interests for African countries exercise for the withdrawal a collective form that simultaneously denounces the motivations of international treaties (Helfer, 2004).[73]

The collective withdrawal by African countries, as for example in the case of Burundi, South Africa and Gambia from the Statute of the ICC has been shown as not relevant. Furthermore, the African Union has adopted a withdrawal strategy, as a document of a recommended value, which thus promotes and coordinates the collective withdrawal by African countries from the Statute of Rome.[74]

Within a collective character, we also note the withdrawal of countries such as Niger, Burkina Faso, Mali from the treaty establishing the Economic Community of West

[73]Assembly of the African Union, Withdrawal Strategy, Twenty-Eighth Ordinary Session 30-31 January 2017 Addis Ababa, Decision on the International Criminal Court, DOC. EX.CL/1006(XXX).

[74]Assembly of the African Union, Withdrawal Strategy, op. cit.

African States. The three countries have extinguished the related conventional obligations through a statement that complained about the relative imposition of "*illegitimate, inhumane and irresponsible sanctions*".[75]

The same countries have also collectively withdrawn from the G5Sahel, as incapable of achieving the related objectives that are envisaged in the security and development sector.[76]

The collective withdrawal is also coordinated and exercised with respect to bilateral treaties, which are considered by African countries. The states, that have left after the withdrawal from ECOWAS, have adopted a coordinated strategy relating to the withdrawal for the military and fiscal cooperation treaties, which are stipulated by France and the United States.[77]

Between 2022 and 2024, Niger, Burkina Faso and Mali have denounced the treaties for defense cooperation, which

[75]Joint communique by Burkina Faso, the Republic of Mali and the Republic of Niger, done in Ouagadougou, Bamako, and Niamey on 28 January 2024.

[76]Communique Conjoint n. 001 du Burkina Faso et de la République du Niger, 1 December 2023.

[77]See the agreement between the United States of America and Niger, effected by Exchange of Notes at Niamey 6 July 2012 and 28 January 2013.

have been concluded with Paris in the past and especially in 1961,[1] 1977,[2] and 2014.[3]

The withdrawal from the bilateral treaties, through the related communication,[4] refers to the issue of tax cooperation of Niger and Mali with France in 1965[5] and 1972.[6]

Within this legal spirit, the collective withdrawal is exercised by the African countries in a manner not

[1]Accord d'assistance militaire technique entre la République française et la République de Haute-Volta of 24 April 1961.

[2]Agreement on technical military co-operation between France and Niger, signed at Niamey on 19 February 1977.

[3]Traité de coopération en matière de défense entre la République Française et la République du Mali, signé a Bamako le 16 Juillet 2014.

[4]Communique conjoint n° 001 de la République du Mali et de la République du Niger of 5 December 2023.

[5]Convention entre le Gouvernement de la République Française et le Gouvernement de la République du Niger: "(...) à éliminer les doubles impositions et à établir desrègles d'assistance mutuelle administrative en matière fiscale of 1st June 1965 (...)".

[6]Convention entre le Gouvernement de la République Française et le Gouvernement de la République du Mali tendant à éviter les doubles impositions et à établir des règlesd'assistance réciproque en matière d'impôts sur le revenu, d'impôts sur les successions, dedroits d'enregistrement et de droits de timbres of 22 September 1972.

compliant with a notice period, i.e. through the *ad hoc* clauses of the treaty which are absent from Art. 56, par. 2 VCLT (Hollis, 2020). The conventional rules and the international practice refers and recognizes for the West African states immediate extinctive effects for a period of notice, through declarations of withdrawal, which are established from Art. 56 VCLT, consolidating, in such a way, the African continent, in this regard.

The attempt by African countries to exercise collective withdrawal for violation of notice periods establishes the withdrawal clauses of the treaty. The collective withdrawal of ECOWAS, through the related communication,[7] declared the West African States' withdrawal from the Economic Community with immediate effect. The Treaty establishing the Community provides for a one-year notice period.

Mali and Niger have jointly denounced the double taxation agreements that were stipulated with France with a three-month notice period, according to the terms established by the provisions relating to the denounced agreements.[8]

[7]Joint communique by Burkina Faso, the Republic of Mali and the Republic of Niger, Done in Ouagadougou, Bamako, and Niamey on 28 January 2024.

[8]Convention entre le Gouvernement de la Republique Française et le

For some West African countries, a collective extinction and the related contractual constraints, which arise from the time limits provided for in the withdrawal clauses, indicate an unlawful behavior (Cowell, 2024), which poses an essential regional practice that has been applied in recent times. From this perspective, the related question for the birth of a customary norm is applied at a regional level, as a derogation from conventional norms in the withdrawal sector, for the formation of a subsequent practice.

Collective withdrawal in African practice refers to the obligation to provide reasons, that is provided for in Art. 65 VCLT. It highlights for African states, that the international practice of withdrawal is based on legal as well as political reasons. This is a statement, that is confirmed by recent practice.

The declaration of withdrawal of South Africa from ICC is immediately noticeable as well as the cases of collective

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Gouvernement de la Republique du Mali tendant a eviter les doubles impositions, op. cit., art. 44. Convention entre le Gouvernement de la République Française et le Gouvernement de la République du Niger tendant à éliminer les doubles impositions, op. cit., art. 44.

withdrawal from ECOWAS. Equally important is the withdrawal of Burkina Faso and Niger from the G5Sahel as well as the withdrawal of the declaration, that accepted the relevant jurisdiction of the African Court on Human and Peoples' Rights by four African states.

These type of withdrawals are based on a legal and political profile, as a demonstration provided for in Art. 65, par. 1 VCLT (Hollis, 2020), that consolidates the legal awareness of African states through international practice.

CONCLUSIONS

The presence of normative practices move in the opposite direction in the reference practice. The continental trends implement the obligation to motivate the right to revoke the withdrawal, which respects Articles 65 and 68 VCLT.

The development process for international law promoted by the International Law Commission, through the provision of norms that have created the African continent, is consolidated at the international level (Liakopoulos, 2020a).

In the constitutions of African states, the power of

withdrawal emerges as the object of a precise discipline, that recognizes the legislative bodies and the respect of international practice. Within this aspect, the attribution of the competence of withdrawal to national parliaments is highlighted, which constitutes the development of an African practice, that is, a useful tool for the exercise of the power of withdrawal from the instability that characterizes the governments of the continent, thus favoring the international commitments that are undertaken by African states.

The reasons for the withdrawals of the continental states are based on the African colonialism. The declarations of withdrawal for the African states are not limited to violations of sovereignty and to political orientations for the discipline of withdrawal that was created by an agreement.

The countries of the continent have denounced the legal relationships of subordination that respect the former colonial powers, as an expression of a legal imperialism that does not justify the light of contemporary international law. This is a dimension of withdrawal that in the practice of West African states and for Mali, Niger and

Burkina Faso are expressed through coups d'état. The respective military juntas for these countries have interpreted the recourse to withdrawal, as a tool that prevents the relative interference in the internal affairs of the state by the former colonial powers that promote the emancipation of the African countries. This is a “distant” result that favors the self-determination of the states of the continent.

African states also pursue objectives that resort to collective withdrawal, which is a distinctive element in continental practice. This phenomenon considers in a political and legal way (Labuda, 2017) the collective appeal of withdrawal, that thus allows the withdrawing states to confer the force of political arguments.

Lastly, there remains the unilateral act that is regulated by the discipline that applies and is exercised in an individual way.

The challenge in African practice regarding collective withdrawal acquires a legal dimension for West Africa. Collective withdrawal is exercised at the terms of notice, that are established according to Art. 56 VCLT. The withdrawal clauses, that are provided for by the agreement

put into practice a rhetoric relating to the formation of a norm of general international law, that allows African states to withdraw from international treaties as a derogation from the terms of notice, that are provided for by the agreement. This is a norm that consolidates and applies for West Africa in an exclusive way the withdrawal exercised in a collective way.

In West Africa, collective withdrawal is not only political in nature. It is also configured as a legal instrument by which states extinguish conventional relations with former colonial powers, thus promoting the consolidation of a regional practice, that challenges the limits of withdrawal clauses for international agreements and international treaty law.

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